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BEFORE THE
BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

5 In the Matter of the Accusation Against:

Case No. PT-2008-3288

6 **MICAH KEITH MAIN**

7 P.O. Box 4551

8 San Luis Obispo, CA 93403

9 Psychiatric Technician License No.

PT 32682

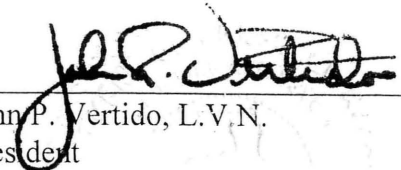
Respondent.

11
12 DECISION

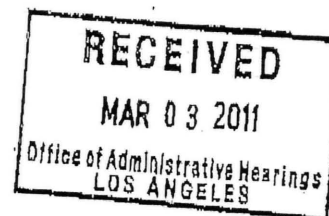
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14 The attached Stipulated Surrender of License and Order is hereby adopted by the Board
15 of Vocational Nursing and Psychiatric Technicians as the Final Decision in the above entitled matter.

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17 This Decision shall become effective on August 21, 2011.

18 IT IS SO ORDERED this 22nd day of July, 2011.

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23 
24 John P. Vertido, L.V.N.
25 President
26
27
28

1 KAMALA D. HARRIS
 2 Attorney General of California
 3 GLORIA A. BARRIOS
 4 Supervising Deputy Attorney General
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 12 *Attorneys for Complainant*



13 **BEFORE THE**
 14 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
 15 **DEPARTMENT OF CONSUMER AFFAIRS**
 16 **STATE OF CALIFORNIA**

17 In the Matter of the Accusation Against:

Case No. PT-2008-3288

18 MICAH KEITH MAIN
 19 P.O. Box 4551
 20 San Luis Obispo, CA 92403
 21 Psychiatric Technician License No. PT
 22 32682

**STIPULATED SURRENDER OF
 LICENSE AND ORDER**

Respondent.

23 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
 24 proceeding that the following matters are true:

PARTIES

25 1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") is the Executive Officer of
 26 the Board of Vocational Nursing and Psychiatric Technicians. She brought this action solely in
 27 her official capacity and is represented in this matter by Kamala D. Harris, Attorney General of
 28 the State of California and by Langston M. Edwards, Deputy Attorney General.

2. Micah Keith Main ("Respondent") is representing himself in this proceeding and has
 chosen not to exercise his right to be represented by counsel.

3. On or about April 19, 2005, the Board of Vocational Nursing and Psychiatric
 Technicians issued Psychiatric Technician License No. PT 32682 to Micah Keith Main. The

1 Psychiatric Technician License was in full force and effect at all times relevant to the charges
2 brought in Accusation No. PT-2008-3288 and will expire on June 30, 2012, unless renewed.

3 JURISDICTION

4 4. Accusation No. PT-2008-3288 was filed before the Board of Vocational Nursing and
5 Psychiatric Technicians ("Board"), Department of Consumer Affairs, and is currently pending
6 against Respondent. The Accusation and all other statutorily required documents were properly
7 served on Respondent on January 11, 2011. A copy of Accusation No. PT-2008-3288 is attached
8 as Exhibit A and incorporated by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. PT-2008-3288. Respondent also has carefully read, and understands the effects
12 of this Stipulated Surrender of License and Order.

13 6. Respondent is fully aware of his legal rights in this matter, including the right to a
14 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
15 his own expense; the right to confront and cross-examine the witnesses against him; the right to
16 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
17 the attendance of witnesses and the production of documents; the right to reconsideration and
18 court review of an adverse decision; and all other rights accorded by the California
19 Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. PT-2008-3288, agrees that cause exists for discipline and hereby surrenders his Psychiatric
25 Technician License No. PT 32682 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation he enables the Board to issue
27 an order accepting the surrender of his Psychiatric Technician License without further process.
28

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Vocational Nursing and Psychiatric Technicians. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Vocational Nursing and Psychiatric Technicians may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Psychiatric Technician License No. PT 32682, issued to Respondent Micah Keith Main, is surrendered and accepted by the Board of Vocational Nursing and Psychiatric Technicians.

14. The surrender of Respondent's Psychiatric Technician License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against

1 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
2 Respondent's license history with the Board.

3 15. Respondent shall lose all rights and privileges as a Psychiatric Technician in
4 California as of the effective date of the Board's Decision and Order.

5 16. Respondent shall cause to be delivered to the Board his wall license certificate, if one
6 was issued, and his pocket license on or before the effective date of the Decision and Order.

7 17. If Respondent ever files an application for licensure or a petition for reinstatement in
8 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
9 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
10 effect at the time the petition is filed, and all of the charges and allegations contained in
11 Accusation No. PT-2008-3288 shall be deemed to be true, correct and admitted by Respondent
12 when the Board determines whether to grant or deny the petition.

13 18. If Respondent should ever apply or reapply for a new license or certification, or
14 petition for reinstatement of a license, by any other health care licensing agency in the State of
15 California, all of the charges and allegations contained in Accusation, No. PT-2008-3288 shall be
16 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
17 Issues or any other proceeding seeking to deny or restrict licensure.

18 19. Respondent shall not apply for licensure or petition for reinstatement for three (3)
19 years from the effective date of the Board of Vocational Nursing and Psychiatric Technicians's
20 Decision and Order.

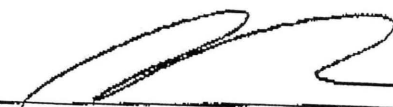
21 20. Respondent shall pay the Board its costs of investigation and enforcement in the
22 amount of \$9,695.00.

23
24 ACCEPTANCE

25 I have carefully read the Stipulated Surrender of License and Order. I understand the
26 stipulation and the effect it will have on my Psychiatric Technician License. I enter into this
27 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
28

1 be bound by the Decision and Order of the Board of Vocational Nursing and Psychiatric
2 Technicians.

3
4 DATED: 2/19/11


MICAH KEITH MAIN
Respondent

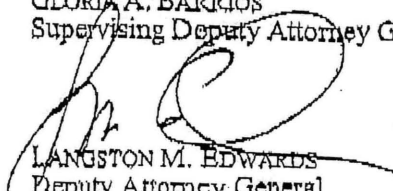
6
7 ENDORSEMENT

8 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
9 for consideration by the Board of Vocational Nursing and Psychiatric Technicians of the
10 Department of Consumer Affairs.

11 Dated: January 21, 2011

Respectfully submitted,

12 KAMALA D. HARRIS
13 Attorney General of California
14 GLORIA A. BARRIOS
15 Supervising Deputy Attorney General


16 LANGSTON M. EDWARDS
17 Deputy Attorney General
18 Attorneys for Complainant

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FILED

JAN 11 2011

Board of Vocational Nursing
and Psychiatric Technicians

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Attorneys for Complainant

7
8 **BEFORE THE**
BEFORE THE
9 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. PT-2008-3288

MICAH KEITH MAIN

13 P.O. Box 4551
14 San Luis Obispo, CA 92403

ACCUSATION

Psychiatric Technician License No. PT 32682

Respondent.

Complainant alleges:

PARTIES

20 1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Accusation solely
21 in her official capacity as the Executive Officer of the Board of Vocational Nursing and
22 Psychiatric Technicians ("Board").

23 2. On or about April 19, 2005, the Board issued Psychiatric Technician License Number
24 PT 32682 to Micah Keith Main ("Respondent"): The Psychiatric Technician License was in full
25 force and effect at all times relevant to the charges brought herein and will expire on June 30,
26 2012, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 118, subdivision (b) provides, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 4545 of the Code, the Board may renew an expired license at any time within four years after the expiration.

5. Section 490 states, in pertinent part:

“(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.”

6. Section 493 of the Code states:

“Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to ... suspend or revoke a license or otherwise take disciplinary

1 action against a person who holds a license, upon the ground that the applicant or the licensee has
2 been convicted of a crime substantially related to the qualifications, functions, and duties of the
3 licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact
4 that the conviction occurred, but only of that fact, and the board may inquire into the
5 circumstances surrounding the commission of the crime in order to fix the degree of discipline or
6 to determine if the conviction is substantially related to the qualifications, functions, and duties of
7 the licensee in question."

8 7. Section 4520 provides, in pertinent part, that the Board may discipline any licensed
9 psychiatric technician for any reason provided in Article 3 (commencing with section 4520) of
10 the Psychiatric Technicians Law (Code § 4500, et. seq.)

11 8. Section 4521 states, in pertinent part:

12 "The board may suspend or revoke a license issued under this chapter [the Psychiatric
13 Technicians Law (Bus. & Prof Code, 4500, et seq.)) for any of the following reasons:

14 (a) Unprofessional conduct, which includes but is not limited to any of the following:

15

16 (f) Conviction of any offense substantially related to the qualifications, functions, and
17 duties of a psychiatric technician, in which event the record of the conviction shall be conclusive
18 evidence of the conviction. The board may inquire into the circumstances surrounding the
19 commission of the crime in order to fix the degree of discipline.

20 21 REGULATORY PROVISIONS

22 9. California Code of Regulations, title 16, section 2578 states, in pertinent part:

23 "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5
24 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be
25 considered to be substantially related to the qualifications, functions or duties of a licensed
26 psychiatric technician if to a substantial degree it evidences present or potential unfitness of a
27 licensed psychiatric technician to perform the functions authorized by his license in a manner
28 consistent with the public health, safety, or welfare."

COST RECOVERY

10. Section 125.3 provides, in pertinent part, that a Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE**(Conviction of Substantially Related Crimes)**

11. Respondent is subject to disciplinary action under sections 4521, subdivision (f) and 490, in conjunction with California Code of Regulations, title 16, section 2578, in that Respondent was convicted of crimes substantially related to the qualifications, functions or duties of a licensed psychiatric technician, as follows:

a. On or around September 1, 2009, after pleading nolo contendere, Respondent was convicted of violating Pen. Code section 422 [criminal threats], a misdemeanor, in the criminal proceeding entitled *The People of the State of California v. Micah Keith Main* (San Luis Obispo Co. Super. Court, 2009, Docket No. M000433443). Respondent was ordered to not harass, strike, threaten, assault, molest, destroy the property of, or block the movements of the protected persons, which included his brother and mother. Respondent was ordered to surrender or sell any weapons in his possession and was issued "stay away" orders relating to the protected persons. Respondent was given three (3) years probation and ordered to pay restitution.

b. The underlying circumstances occurred on or around June 7, 2009 when San Luis Obispo Police Officers were dispatched to an apartment residence shared by the Respondent and his brother ("J.M.") after J.M. called the police to report that Respondent had been exhibiting "erratic" behavior and making threats of physical harm to himself and others. J.M. informed the police that the Respondent recently lost his job as a psychiatric technician and had suffered a mental breakdown. The Respondent's brother specifically described Respondent's destructive behavior to the police, stating that Respondent had "thrashed" their home several times during the week of his arrest and repeatedly stated that he wanted to kill himself. When Respondent learned that his brother reported his behavior to the police, Respondent threatened his brother by stating

1 "I'm gonna' stick you, I'm gonna' cut your head off, you're gonna' die, you're gonna' die."

2 Respondent owned two firearms at the time. Given Respondent's behavior and possession of two
3 firearms, the threats were believed to be credible. Shortly thereafter, Respondent was arrested for
4 making terrorist threats and his weapons were surrendered to the police department.

5
6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Unprofessional Conduct)**

8 12. Respondent is subject to disciplinary action under section 4521, subdivision (a), in
9 that Respondent committed acts constituting unprofessional conduct. Complainant refers to and
10 by this reference incorporates the allegations set forth above in paragraph 10 and subparagraphs a
11 and b, inclusive, as though set forth fully herein.

12
13 **OTHER MATTERS**

14 **(Interim Suspension Order)**

15 13. On or around 12/8/10, Administrative Law Judge Ralph B. Dash granted
16 Complainant/Petitioner's request for an Interim Suspension Order relating to the Respondent's
17 Psychiatric Technician license PT 32682 in accordance with Bus. & Prof. Code Section 494 and
18 based on factual findings and conclusions of law articulated in Petitioner's moving papers and
19 presented at hearing (A true and correct copy of the *Order on Notice Petition for Interim*
20 *Suspension*, 12/8/10 is attached hereto as **Exhibit A**). Respondent is currently "prohibited from
21 engaging in any act for which a psychiatric technician license is required."

22
23 **PRAYER**

24 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
25 and that following the hearing, the Board issue a decision:

26 1. Revoking or suspending Psychiatric Technician License Number PT 32682, issued to
27 Micah Keith Main.

1 2. Ordering Micah Keith Main to pay the Board the reasonable costs of the investigation
2 and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3 3. Taking such other and further action as deemed necessary and proper.
4
5

6 DATED: January 11, 2011

7  TERESA BELLO-JONES, J.D., M.S.N., R.N.

8 Executive Officer

9 Board of Vocational Nursing and Psychiatric Technicians
State of California

Complainant

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accusation.rtf
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EXHIBIT A

BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

TERESA BELLO-JONES,
Executive Officer, Board of Vocational Nursing and
Psychiatric Technicians, State of California,

Petitioner,

v.

MICAH KEITH MAIN,

Psychiatric Technician License No. PT 32682,

Respondent.

Case No. PT-2008-3288

OAH No. 2010110706

ORDER ON NOTICED PETITION FOR INTERIM SUSPENSION

On December 3, 2010, Ralph B. Dash, Administrative Law Judge, Office of Administrative Hearings, heard the Noticed Petition for Interim Suspension Order in the above-captioned matter at San Luis Obispo, California.

Deputy Attorney General Langston M. Edwards represented Petitioner Teresa Bello-Jones, J.D., M.S.N., R.N. (Petitioner), Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians (Board).

Respondent Micah Keith Main appeared and represented himself.

The Administrative Law Judge read and considered all of the documentary evidence Petitioner submitted, heard argument of the parties, and now issues the following Order.

FACTUAL FINDINGS

1. Petitioner filed the Petition in her official capacity.
2. On April 19, 2005, the Board issued Psychiatric Technician License Number PT 32682 to Respondent, which license has been renewed until June 30, 2012.
3. On September 1, 2009, in the Superior Court of the State of California, County

of San Luis Obispo, case number M00043344, Respondent was convicted on his plea of nolo contendere to one count of violating Penal Code section 422 (threat to commit great bodily injury). The court placed Respondent on bench probation for three years and ordered him to continue treatment with his psychotherapists.

4. Respondent's conviction arose out of the following set of facts: Respondent was employed as a psychiatric technician at Atascadero State Hospital in the sexually violent predators unit. The poor working conditions, constant threats of violence, and lack of administrative support led Respondent to have increased levels of stress, anxiety and depression. In 2008 Respondent sought professional help. He was placed on medication and advised to find alternative employment. Shortly thereafter, Respondent filed a Worker's Compensation claim for work-related psychological injury. Respondent was evaluated and found to be totally temporarily disabled. To date, he remains so classified.

In June 2009, while under medication and psychiatric care, Respondent exhibited violent and bizarre behavior. He threatened his mother and brother, and also threatened suicide. At the time, he owned a pistol grip shotgun and a semi-automatic handgun. When his behavior became particularly erratic (destruction of property) and potentially extremely violent (death threats against his brother such as, "I'm gonna stick you. I'm gonna cut your head off, you're gonna die, you're gonna die."), his brother contacted police who effected an arrest and confiscated Respondent's weapons, which have since been destroyed.

5. At the request of the Board, Dr. Jane Y. Fong, Respondent's treating psychologist, wrote a report, dated September 23, 2010, giving an assessment of Respondent's current mental status and ability to function as a psychiatric technician. Dr. Fong's report (Exhibit 3) reads, in part, as follows:

I continue to work with [Respondent] in cognitive-behavioral psychotherapy at the rate of either once/week or once/2 weeks.

[Respondent] and his situation has been evaluated by Psychiatrist Qualified Medical Examiner Gary Stanwyck, MD five (5) times since his Worker's Compensation claim was filed . . . [most] recently on 08/05/2010. . . . [Respondent's] psychiatric status is quite complex, and he remains temporarily totally disabled (i.e., he is not able to return to work as a Psychiatric Technician).

[Respondent] suffered a psychiatric crisis [in June 2009] (manic psychosis due to lack of proper psychotropic medications or to abrupt absence of medications.) [Respondent's] behavior was erratic; he had rapid mood shifts; he could not control impulses to destroy furniture and other objects at home; and, he made threats to kill himself and others. . . .

[After his release from jail, Respondent] was admitted to Cottage Hospital, Santa Barbara for medications adjustments on two occasions: from 06/11/09 to 06/13/09 and from 02/16/10 to 02/22/10. Shortly after discharge, [Respondent]

was enrolled in COPE, the Cottage outpatient group treatment program located in San Luis Obispo, CA. Currently, [Respondent] has three remaining group sessions to attend.

[¶ ... ¶]

[P]er opinion of evaluator Dr. Gary Stanwyck [Respondent] continues to be totally temporarily disabled, unable to perform duties in his profession. As his treating psychologist, I well agree with Dr. Stanwyck, and I am seeing [Respondent] once weekly for psychotherapy. Treatment with and management of psychiatric medicines is provided by Nir Lorant, MD, who continues to adjust medicines in efforts to help the patient achieve emotional-psychological stability from a biochemical means. At this time, I cannot give an estimate of when [Respondent] might be able to return to higher functioning.

6. At the hearing of this matter, Respondent agreed that currently he is not able to work as a psychiatric technician. He appeared calm and relaxed, and fully aware of his current mental condition, which he stated was improving. He has been able to complete the course work necessary for renewal of his license. He is aware of his legal status with the Board and understands that an Accusation for licensé discipline will be filed. In the event the Board permits him to retain his license, he plans to seek employment in a far less stressful environment than that prevailing at Atascadero State Hospital.

CONCLUSIONS OF LAW

1. Business and Professions Code section 494 provides, in part:

(a) A board or an administrative law judge sitting alone, as provided in subdivision (h), may, upon petition, issue an interim order suspending any licentiate or imposing license restrictions, including, but not limited to, mandatory biological fluid testing, supervision, or remedial training. The petition shall include affidavits that demonstrate, to the satisfaction of the board, both of the following:

(1) The licentiate has engaged in acts or omissions constituting a violation of this code or has been convicted of a crime substantially related to the licensed activity.

(2) Permitting the licentiate to continue to engage in the licensed activity, or permitting the licentiate to continue in the licensed activity without restrictions, would endanger the public health, safety, or welfare.

[¶ ... ¶]

(e) The board, or an administrative law judge sitting alone as provided in subdivision (h), shall issue a decision on the petition for interim order within five business days following submission of the matter. The standard of proof required

to obtain an interim order pursuant to this section shall be a preponderance of the evidence standard. If the interim order was previously issued without notice, the board shall determine whether the order shall remain in effect, be dissolved, or modified.

[¶ . . . ¶]

(h) The board may, in its sole discretion, delegate the hearing on any petition for an interim order to an administrative law judge in the Office of Administrative Hearings. If the board hears the noticed petition itself, an administrative law judge shall preside at the hearing, rule on the admission and exclusion of evidence, and advise the board on matters of law. The board shall exercise all other powers relating to the conduct of the hearing but may delegate any or all of them to the administrative law judge. When the petition has been delegated to an administrative law judge, he or she shall sit alone and exercise all of the powers of the board relating to the conduct of the hearing. A decision issued by an administrative law judge sitting alone shall be final when it is filed with the board. If the administrative law judge issues an interim order without notice, he or she shall preside at the noticed hearing, unless unavailable, in which case another administrative law judge may hear the matter. The decision of the administrative law judge sitting alone on the petition for an interim order is final, subject only to judicial review in accordance with subdivision (g).

2. Business and Professions Code section 822 provides, in part:

If a licensing agency determines that its licentiate's ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods: (a) Revoking the licentiate's certificate or license. (b) Suspending the licentiate's right to practice. (c) Placing the licentiate on probation. (d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.

3. Petitioner has established that Respondent suffered a criminal conviction substantially related to the qualifications, functions, and duties of a psychiatric technician, in violation of Business and Professions Code sections 490 and 4521, subdivision (f), and California Code of Regulations, title 16, section 2578, by reason of Findings 3 and 4.

4. Petitioner has established that Respondent's ability to practice safely as a psychiatric technician is impaired within the meaning of Business and Professions Code sections 822, by reason of Findings 5 and 6.

5. There is a reasonable probability that Petitioner will prevail in an Accusation to discipline Respondent's license, based on Findings 3 through 6, and the evidence submitted in support of the Petition.

6. Based on all the foregoing, permitting Respondent to continue to engage in the

duties and functions of a psychiatric technician will endanger the public health, safety, and welfare.

7. The likelihood of injury to the public in not issuing this order outweighs the likelihood of injury to Respondent in issuing the order.

8. Cause exists pursuant to Business and Professions Code section 494 to suspend Respondent's psychiatric technician license pending a final determination, on the merits, of an Accusation to be filed, by reason of Findings 1 through 6 and Legal Conclusions 1 through 7.

ORDER

The Petition for Interim Suspension Order is granted. Psychiatric Technician License number PT 32682 issued to Respondent Micah Keith Main is suspended on an interim basis in accordance with Business and Professions Code section 494. During the time this Interim Suspension Order is in effect, Respondent is prohibited from engaging in any act for which a psychiatric technician license is required.

IT IS SO ORDERED, this 8th day of December, 2010.



RALPH B. DASH
Administrative Law Judge
Office of Administrative Hearings

DECLARATION OF SERVICE

Case Name: MICAH KEITH MAIN

OAH No.: 2010110706

I, Rosario Magalit, declare as follows: I am over 18 years of age and am not a party to this action. I am employed by the Office of Administrative Hearings. My business address is 320 W. Fourth Street, Suite 630, Los Angeles, California. On December 8, 2010, I served a copy of the following document(s) in the action entitled above:

ORDER ON NOTICED PETITION FOR INTERIM SUSPENSION

to each of the person(s) named below at the addresses listed after each name by the following method(s):

Langston M. Edwards, Deputy Attorney General
Department of Justice
300 South Spring Street, Suite 1702
Los Angeles, CA 90013

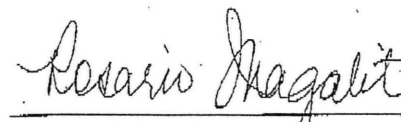
Micah Keith Main
P.O. Box 4551
San Luis Obispo, CA 92403

☒ **United States Mail.** I enclosed the document(s) in a sealed envelope or package addressed to the person(s) at the address(es) listed above, and placed the envelope or package for collection and mailing, in accordance with the Office of Administrative Hearings' ordinary business practices, in Los Angeles, California. I am readily familiar with the Office of Administrative Hearings' practice for collecting and processing documents for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope or package with postage fully prepaid [☐ by certified mail].

☒ **Overnight Delivery.** I enclosed the above-described document(s) in a sealed envelope or package addressed to the person(s) at the address(es) listed above, and placed the envelope or package with overnight delivery fees paid at an office or a location regularly utilized for collection and overnight delivery by an authorized overnight delivery courier.

☐ **Fax Transmission.** I personally transmitted the above-described document(s) to the person(s) at the fax number(s) listed above, from fax machine number (213) 576-7244, pursuant to Government Code section 11440.20 and California Code of Regulations, title 1, section 1008, subdivision (d). The fax transmission was reported as complete and without error. A copy of the transmission report showing the date and time of transmission, properly issued by the transmitting machine, is attached to this declaration of service.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. This declaration was executed at Los Angeles, California on December 8, 2010:


Rosario Magalit, Declarant